

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Highland Wind Farm, LLC, for a Certificate of Public Convenience and Necessity to Construct a 102.5 Megawatt Wind Electric Generation Facility and Associated Electric Facilities, to be Located in the Towns of Forest and Cylon, St. Croix County, Wisconsin

2535-CE-100

**ORDER TO MODIFY SECOND PREHEARING CONFERENCE MEMORANDUM**

This Order modifies Section II and III of the [Second Prehearing Conference Memorandum - PSC REF#: 185730](#), as directed by the Commission at its Open Meeting on June 21, 2013, as follows:

**II. Issues:****A. The record shall present detailed evidence that addresses the following:**

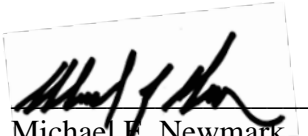
1. Can the project comply with the noise standards in Wis. Admin. Code ch. PSC 128?
2. Can the project achieve a 40 dBA nighttime noise standard at the six residences identified in the existing record as occupied by persons with special needs?
3. Will the proposed curtailment plan ensure compliance with the noise standards in Wis. Admin. Code ch. PSC 128 and a 40 dBA noise standard for (i) between the hours of 10 pm and 6 am, and (ii) for 24 hours (daytime and nighttime hours) at the six residences identified in the existing record as occupied by persons with special needs?
4. What post-construction sound testing protocols and compliance procedures are necessary to ensure ongoing compliance with the noise standards in Wis. Admin. Code ch. PSC 128 and a 40 dBA noise standard for (i) between the hours of 10 pm and 6 am, and (ii) for 24 hours (daytime and nighttime hours) at the six residences identified in the existing record as occupied by persons with special needs?

**B. Without limitation to any other relevant legal issue, briefs shall address the following:**

1. Will the project, as modified to meet the noise standards described in Issues A.1 and A.2, remain within the scope of Commission jurisdiction under Wis. Stat. § 196.491(3)?
2. Does PSC 128 allow curtailment: (i) as a design factor; (ii) only if the project is found to be out of compliance after it is built but not during the project planning phase; or (iii) at any time?

**III. The schedule appears below:**

- Friday, July 19, 2013, at 12 noon      Applicant and Intervenors who generally support -  
Supplemental Direct testimony and exhibits only to the extent necessary to address changes to the issues, as modified by this Order
- Monday, July 29, 2013, at 12 noon      Intervenors critical of the Application and Commission Staff -  
Direct testimony and exhibits
- Friday, August 9, 2013, at 12 noon      All parties and Commission staff -  
Rebuttal testimony and exhibits
- Monday, August 12, 2013, at 12 noon      All parties and Commission staff -  
Errata or replacement pages to testimony and exhibits
- Wednesday, August 14, 2013, at 9:30 a.m.      Party Hearing Session begins – PSC Building
- Tuesday, September 3, 2013, at 12 noon      Initial Briefs
- Tuesday, September 10, 2013, at 12 noon      Reply Briefs

  
Michael E. Newmark  
Administrative Law Judge

MEN: DL: 00754891